

## **REMARKS**

Claims 1, 4-10, and 12-23 are pending in the present application.

### **Rejection Under 35 U.S.C. § 112, first Paragraph and New Matter Rejection**

The Examiner has rejected claims 19-23 under 35 U.S.C. § 112, first paragraph. The Examiner asserts that claims 19-23 contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor had possession of the claimed invention at the time the application was filed. Specifically, the Examiner asserts that the following terms of claim 19 – “encoded audio data packets” and “monitoring station” - are not supported in the original disclosure. Also, the Examiner asserts that the addition of these terms to the specification constitutes new matter. Further, the Examiner asserts that the addition of the terms “monitor,” “monitoring station,”<sup>1</sup> and “encoded” to pages 7 and 8 of the specification constitutes new matter.

Regarding the terms “monitoring station” and “monitor,” Applicant submits that these terms were added to the specification to indicate that the act of “listening,” which is explicitly supported in the specification (see page 7, line 30), is also the act of “monitoring.” Applicant submits that one skilled in the art, and anyone familiar with the English language, recognizes that the term “listening” is synonymous with the term “monitor.” As an example, the device with which parents “listen” to a baby when the baby is sleeping in a remote location (e.g., another room in a house), is called a “baby monitor.” Therefore, since the meaning of the term “listen” is identical to the meaning of the term “monitor,” the addition of the terms “monitor” and “monitoring station” to the specification and claims cannot be new matter.

Regarding the terms “encoded audio data packet” and “encoded,” Applicant submits that these terms are supported in the original application as filed. Specifically, page 7, lines 21-29 of the original specification discloses that the interface PC 26 runs an audio streaming program such as Real Audio by Progressive Networks, which packetizes and puts the audio signal onto the WAN for transmission to the local computer 12. The original specification further discloses

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<sup>1</sup> In the present office action, the Examiner indicates that the term “monitoring station” was added to page 8, line 9 of the specification. This term was actually added to page 7, line 31 of the specification.

that "the local computer 12 is configured with a similar audio streaming program 34 that de-packetizes the audio communication received over the WAN and can 'play' it as continuous time-based audio." Applicant submits that it is well known in the art that encoding, such as PCM or ADPCM, is used to transmit audio information over a packet network. Applicant submits that one skilled in the art recognizes that this encoding of the audio data inherently creates "encoded audio data packets." Therefore, Applicant submits that the terms "encoded audio data packets" and "encoded" are fully supported in the original specification as filed and are not new matter, and that one skilled in the art would recognize that the present inventor had full possession of the claimed invention when the subject application was filed.

**Rejection of Claims 1 and 4-6 under 35 U.S.C. § 103(a)**

Claims 1 and 4-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,014,431 (McHale) in view of U.S. Patent No. 5,940,479 (Guy). This rejection is traversed.

Applicant respectfully submits that neither Mchale nor Guy teaches or suggests to convert the telephone signal into an audio output signal and to transmit the audio output signal over a WAN, as recited by independent claim 1, on which claims 4-6 depend. The Examiner admits that Mchale does not teach or suggest this feature. The Examiner asserts that Guy discloses an interface machine for processing a received telephone signal into a network audio signal and transmitting it via the WAN. The Examiner relies on Figs 1 and 2 and column 3, lines 35-40 of Guy for the teaching of this feature. Applicant submits that Guy does not teach to convert the telephone signal into an audio signal and to transmit the audio output signal over a WAN. Rather, Guy teaches to convert the entire telephone signal into a digital signal before the telephone signal is transmitted over the WAN (see column 6, lines 14-26). The purpose of the present invention is to enable a remote operator to "listen in" to the actual audio signal at a remote modem in order to diagnose a communication problem without having to travel to the remote modem. Because the system of Guy converts the entire telephone signal into a digital signal before the signal is transmitted on the WAN 104, the system of Guy cannot perform this function.

Therefore, since McHale and Guy, either alone or in combination, fail to teach or suggest the invention defined by claims 1 and 4-6, Applicant submits that the rejection of claims 1 and 4-6 under 35 U.S.C. § 103(a) is improper and respectfully requests that the rejection be withdrawn.

**Rejection of Claim 7 under 35 U.S.C. § 103(a)**

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over McHale in view of Guy and further in view of U.S. Patent No. 5,867,494 (Krishnaswamy). This rejection is traversed.

Applicant submits that Krishnaswamy fails to make up for the above-noted deficiencies of McHale and Guy. That is, Krishnaswamy fails to teach or suggest to convert the telephone signal into an audio output signal and to transmit the audio output signal over a WAN, as recited by independent claim 1, on which claim 7 depends.

Therefore, since McHale, Guy and Krishnaswamy, either alone or in combination, fail to teach or suggest the invention defined by claim 7, Applicant submits that the rejection of claim 7 under 35 U.S.C. § 103(a) is improper and respectfully requests that the rejection be withdrawn.

**Rejection of Claims 8-10 and 12-23 under 35 U.S.C. § 103(a)**

Claims 8-10 and 12-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 97/14238 (Jonas) in view of U.S. Patent No. 5,974,043 (Solomon). This rejection is traversed.

Applicant respectfully submits that neither Jonas nor Solomon teaches or suggests to convert the telephone signal into an audio output signal and to transmit the audio output signal over a WAN so as to provide a continuous audio signal at a local system, as recited by independent claim 8, on which claims 9-10 and 12-18 depend, and independent claim 19, on which claims 20-23 depend. The Examiner asserts that Jonas discloses a remote computer for transmitting a transmission signal into a phone switch which converts it into an analog audio signal. The Examiner relies on pages 11-12 lines 35-39 and 1-14 of Jonas for the teaching of this feature. Jonas teaches a method and system for routing and converting voice signals between a circuit switched public telephone network and a packet switched computer network, such as the Internet. The relied on section of Jonas (pages 11-12 lines 35-39 and 1-14) discloses telephone interface cards which handle call control, and A/D and D/A conversion. Applicant submits that

neither this section of Jonas, nor any other section of Jonas, teaches to convert the telephone signal into an audio output signal and to transmit the audio output signal over a WAN so as to provide a continuous audio signal at a local system. As presented above, the purpose of the present invention is to enable a remote operator to "listen in" to the actual audio signal at a remote modem in order to diagnose a communication problem without having to travel to the remote modem. The system of Jonas does not perform this function. Solomon is relied on merely for the teaching of a computer having a sound card and fails to make up for the deficiencies of Jonas.

Therefore, since Jonas nor Solomon, either alone or in combination, fail to teach or suggest the invention defined by claims 8-10 and 12-23, Applicant respectfully submits that the rejection of claims 8-10 and 12-23 under 35 U.S.C. § 103(a) is improper.

Regarding claim 23, Applicant submits that the office action is completely silent regarding whether the relied on prior art teaches the recited Ethernet connection and the feature by which the transmitted stream is addressed only to the monitoring system and the output stream is addressed only to the interface machine.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-0369. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-0369 therefor.

Respectfully submitted,

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Dated

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